

Pension Application for Philip Herter, Harter, Herder, etc.

S.28760

Declaration in order to obtain the benefits of the act of Congress passed June 7, 1832

State of New York

Herkimer County SS

On this twelfth day of February in the year of our Lord, one thousand eight hundred and thirty four, personally appeared in open court, before the Judges of the Court of Common Pleas, now sitting Philip Harter a resident of the town of Herkimer in the County of Herkimer and State of New York, aged seventy two years on the twenty sixth days of January last past, who being first duly sworn according to law, doth on his oath make the following declaration in order to obtain the benefit of the act of Congress passed June 7, 1832.

That he entered the service of the United States under the following named officers and served as herein stated, but he this deponent belonged to a company of Militia commanded by Henry Harter (1), John Damuth was first lieutenant and Peter Weber was second Lieutenant and John Bellinger was Ensign in Col. Peter Bellingers Regiment and Genl Nicholas Herkimer's Brigade (2) -that deponent resided in the then town of German Flatts—Tryon County now Herkimer in the County of Herkimer, that the first duty deponent did was in the Spring of the year 1778. The Company was stationed at Fort Dayton in the said town of German Flatts on the Mohawk River. That the company was employed doing garrison duty in said Fort during the Summer, that deponent acted in a Military Capacity and was employed in said Fort the whole time except four days when he was sant [sent] with the rest of the company and with other troops & about five hundred under the Command of Genl Van Rensselaer (3) to guard boats loaded with provisions on their way to Fort Stanwix a distance of about thirty miles from Fort Dayton up the Mohawk River, that said duty was performed in a military capacity and under the direction of his officers, whom he understood had authority to compel said service & also to compel this deponent to do duty in said Fort, that deponent was compelled to do duty until very cold weather in the fall or winter, that he did not do duty the whole of said Spring and Summer as he was allowed to go out occasionally and did go out part of the time—that he was once compelled to go to Germantown (4) in the night a distance of five or six miles to bring in the bodies of several persons that had been killed and wounded of the Indians and tories, that the whole time that he was actually employed and above duty in said Fort as a soldier in said company and under said officers in the year 1778 was three months.

And this deponent further says, that the next year, being the year 1779, this deponent with other members of the company were again called out to do duty in said Fort. That the same officers still had charge of the company, that this deponent done duty in several garrisons as a soldier during said year four months, that he was out but very little that year, and then on scouts, or excursions against the enemy on many civil pursuits, that he done military duty for that length of time, by the command of his officers.

And this deponent further says, that he was a private during said time in said duty in said company that in the Spring of the year 1780 deponent's father and family and this deponent removed to the County of Columbia on the North River [Hudson] at a place called Germantown and remained there until the end of the war—that the above seven months service was the only military service (5) that this Deponent rendered, that this deponent did not make application before because he understood that he could not obtain pay for so short a period of service and that he has lately heard that others had obtained pay who did not perform service for any greater length of time.

And this deponent further says, that he was born in the present town of Herkimer in the County of Herkimer on the 26th day of January 1762. That a record of his age is in the family bible of his grandfather now in the possession of Thomas Shoemaker of the present town of German Flatts in the County of Herkimer, that this deponent resided at German Flatts now Herkimer when he entered the service, that he has resided in the present town of Herkimer, ever since the Revolutionary War and still resides there—that he entered the service under the supposition that he was compelled to do duty, that he was not enlisted or a substitute for any person, and may be called a volunteer--that there was a regiment of soldiers at said Fort part of the time, called the Jersey blues commanded by Col. Dayton after whom said Fort was named, but this was before deponent was compelled to do duty, then other officers at said Fort at different times, Col. Willett (7), Genl Van Rensselaer, Col. Gansvoort and other—that this Deponent was not engaged in any battle, and never received any written discharge from any person—that he does not know certainly of any person that is now alive by whom he can prove the above service—that he expects to prove his general character for truth and his reputation as a Revolutionary Soldier , by the Rev'd John P. Spinner and by Christopher Bellinger—and John Doxtater and others old habitants of said town.

Here hereby relinquishes every claim whatever to a pension or an annuity except for the present and he declares that his name is not on the Pension roll of any agency of any state.

(Signed) Philip Herter

Sworn to & Subscribed the day and year aforesaid in open court. H. Nelson, Clerk

The John P. Spinner a clergyman residing in the town of Herkimer in the Church of Herkimer, and Christopher Bellinger residing in the town of German Flatts in said County; hereby certify; that we are well acquainted with Philip Harter who has subscribed and sworn to the above declaration; that we believe him to be seventy two years of age; that he is reputed and believed, in the neighborhood where he resides, to have been a soldier of the Revolution (8) and we concur in that opinion.

(Signed) John P. Spinner V.D.M, Christopher Bellinger

Sworn & Subscribed the day and year aforesaid in open court. J.C. Nelson, Clerk.

End Notes—S.328760—Philip Herter

1. Henry Harter was appointed captain in 1776 in place of Captain Frederick Bellinger of the Fourth Company in Colonel Peter Bellinger's Fourth Regiment of Tryon County Militia who had been promoted to Lieutenant-Colonel of the regiment. Harter was commissioned on June 25, 1778 as captain as were the following officers. John Demuth as First Lieutenant (Second Lieutenant in Captain Bellinger's), Peter J. Weaver as Second Lieutenant (Ensign under Captain Bellinger) and John T. Bellinger as Ensign.
2. Nicholas Herkimer, Colonel of the First Regiment of Tryon County Militia was appointed Brigadier General of the Tryon County Militia Brigade on September 5, 1776. General Herkimer was wounded at the Battle of Oriskany on August 6, 1777 and later died from complications of the amputation of his leg.
3. Robert VanRensselaer was appointed Brigadier General of the Second Brigade of Albany County Militia on June 16, 1780. General VanRensselaer did guard the bateaus in July of 1780 not in 1778.
4. This German Town was in the Town of Schuyler, Herkimer County, New York.
5. Philip apparently did serve again as his name is listed as serving in captain Hendrick Pulver's Company in Colonel Peter R. Livingston's Tenth Regiment of Albany County Militia.
6. Colonel Elias Dayton of the Third New Jersey Continental Regiment. Colonel Dayton's Regiment were the main builders of the fort before they were sent to Fort Schuyler (Fort Stanwix) to help in repairing this fort in 1776.
7. Lieutenant-Colonel Marinus Willett and Colonel Pete Gansevoort belonged to the Third New York Continental Regiment.
8. On Captain Harter's Muster Roll for 1779 Philip is listed as serving the following: June 6 days, July 8 days, August 14 days, September 2 days, October 5 days and November 3 days. FROM: Revolutionary War Rolls 1775-1783, Series M-246, Roll 72, folder 78, National Archives, Washington, D.C.